

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2731

United States of America,

Appellee,

v.

Ricardio Dale Smith,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: January 24, 2003
Filed: January 27, 2003

Before LOKEN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Ricardio Dale Smith pleaded guilty to possession of a firearm and ammunition by a person with three felony crime-of-violence convictions, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). Smith entered into a plea agreement in which he waived his right to appeal his sentence so long as the court sentenced him at or below the Guidelines range of 168-210 months. The district court¹ sentenced Smith to the mandatory minimum of 180 months in prison and five years of supervised release.

¹The HONORABLE MICHAEL J. DAVIS, United States District Judge for the District of Minnesota.

On appeal, counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

Smith knowingly and intelligently waived his right to appeal the sentence the district court imposed. See United States v. Morrison, 171 F.3d 567, 568 (8th Cir. 1999). Further, having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

Accordingly, we grant counsel's motion to withdraw and affirm.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.